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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 **LAMONT STERLING JOHNSON,**

14 Petitioner,

15 v.

16 **ROBERT HOREL, Warden,**

17 Respondent.  
18

C 07-4483 PJH (PR)

**DECLARATION OF COUNSEL IN  
SUPPORT OF APPLICATION FOR  
EXTENSION OF TIME TO FILE  
ANSWER TO PETITION FOR  
WRIT OF HABEAS CORPUS**

19 SHARON G. BIRENBAUM declares under penalty of perjury as follows:

20 1. I am a Deputy Attorney General for the State of California and am responsible for the  
21 preparation and filing of an answer to the Petition for Writ of Habeas Corpus.

22 2. On May 29, 2008, this Court filed the Order to Show Cause, which requires respondent  
23 to file an answer and relevant trial transcripts within 60 days.

24 3. Petitioner was convicted of special circumstance first degree murder and robbery. He  
25 was sentenced to a four year determinate term for robbery, with a consecutive term of life without  
26 possibility of parole for the special circumstance murder.

27 4. Since receiving this Court's order, I have filed respondent's briefs in the state Court  
28 of Appeal in *People v. Bradford*, A116899, a murder case with a voluminous record (about 2,600

1 pages of clerk and reporter's transcript) and in which defendant raised numerous issues on appeal,  
 2 *People v. Cabonce*, A117286, and *People v. Myers*, A114474.

3 5. Before I can turn my attention to the instant case, I must complete and file respondent's  
 4 briefs in *People v. Gomez*, H031770, *People v. Walton*, A117488, *People v. Mitchell*, A117489, and  
 5 *People v. Sifuentiz*, H032440. The defendants in these cases filed their opening briefs before this  
 6 court issued its order to show cause. I must also file an answer to petition for writ of habeas corpus  
 7 in the state Court of Appeal in *In re Chandler*, A120431, a murder and attempted murder case in  
 8 which petitioner raises numerous issues in a 95 page petition, and in federal district court in *Brown*  
 9 *v. Malfi*, C 06-7140 CRB, in which petitioner raises 19 issues and the order to show cause issued  
 10 before the order to show cause in the instant case. I must file appellee's brief in the Ninth Circuit  
 11 Court of Appeals in *Morales v. Campbell*, No. 08-16294. Finally, I must prepare for oral argument  
 12 in *People v. Facen*, A118572, which is on the July 24, 2006, calendar.

13 6. Petitioner raises 14 issues. The record is voluminous, consisting of **24,727 PAGES**  
 14 **OF CLERK'S AND REPORTER'S TRANSCRIPT**. It will therefore take a substantial amount of  
 15 time to review and answer the petition, and prepare the relevant record.

16 7. I have not contacted petitioner. He is representing himself and is currently incarcerated  
 17 in state prison.

18 I declare under penalty of perjury that the foregoing is true and correct. Executed at San  
 19 Francisco, California, on July 15, 2008.

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 21  
 22 /s/ Sharon G. Birenbaum  
 23 SHARON G. BIRENBAUM  
 24 Deputy Attorney General  
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